

REMARKS

STATUS OF THE CLAIMS

Claims 1 and 5-100 were pending in this application. Claims 1, 5-8, 10-14, 31-33, 40-51, 57-65, 67-76, 78-87, 89-98 and 100 have been cancelled without prejudice. Claims 9, 15, 18, 23, 26, 52, 54, 66, 77, 88 and 99 have been amended. Following entry of the amendments claims 9, 15-30, 34-39, 52-56, 66, 77, 88 and 99 will be pending and at issue.

Claims 54-56, directed to methods of use, were previously withdrawn as being drawn to a non-elected invention. It is the Applicants' understanding that, the withdrawn method of use claims are now eligible for rejoinder as they depend from allowed product claim 34.

ALLOWABLE SUBJECT MATTER

The Applicants acknowledge the Examiner's allowance of claims 34-39 and thank the Examiner for pointing out the allowable subject matter in claims 9, 15-17, 20, 22, 24, 25, 31-33.

SUPPORT FOR AMENDMENTS TO THE CLAIMS

Claims 15, 18, 23, 26, 52, 54, 66, 77, 88 and 99 have been amended to depend from allowed claim 34. Claim 9 has been amended to depend from allowed claim 37.

To further prosecution, the Applicants have cancelled without prejudice claims 1, 5-8, 10-14, 31-33, 40-51, 57-65, 67-76, 78-87, 89-98 and 100, rendering the pending rejections moot. The Applicants reserve the right to file subsequent applications claiming the canceled subject matter. In addition, the claim cancellations should not be construed as abandonment or agreement with the Examiner's position in the Office Action.

The amendments to the claims therefore add no new matter and entry is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 5-8, 11, 18, 19, 21 and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nardin (*Vaccine 16*, 590-600, 1998) or over Tam (U.S.

Pat. No. 5,580,563) or over Tam in view of Sauzet (*Vaccine 13*(14):1263-1384, 1995). Claims 1, 5-8 and 11 have been cancelled and thus the rejection of those claims is moot. Claims 18, 19, 21 and 23 have been amended to depend from claim 34 which the Examiner found to be allowable. Claims 18, 19, 21 and 23, as amended, are thus similarly allowable.

CONCLUSION

Withdrawal of the pending rejections and reconsideration of the claims are respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicant's representative at (415) 875-2406.

Respectfully Submitted,

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By: /Pauline Farmer-Koppenol/

Pauline Farmer-Koppenol, Attorney of Record
Registration No. 58,004
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (415) 875-2406
Fax: (650) 938-5200